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JUL 16 2004

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APPLICATION NUMBER	FILING OR 371 (e) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/620,621	07/17/2003	Edna Mozes	MOZES-2A

001444
 BROWDY AND NEIMARK, P.L.L.C.
 624 NINTH STREET, NW
 SUITE 300
 WASHINGTON, DC 20001-5303

APR 19 2004	CONFIRMATION NO. 9655
FORMALITIES LETTER	
0000000012375039	

Date Mailed: 04/16/2004

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

MSD-16 JE 2004

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The specification, claims, or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
 - Papers must be legibly written either by a typewriter or mechanical printer in permanent ink or its equivalent in portrait orientation on flexible, strong, smooth, non-shiny, durable, and white paper. Application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes and electronic reproduction by use of digital imaging and optical character recognition. Pages 3,4,8,9,11,13-17,20,21,23,25,26 are not in compliance with 37 CFR 1.52(a).

Replies should be mailed to: Mail Stop Missing Parts
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A copy of this notice MUST be returned with the reply.

08/17/2004 BHABTEW 00000003 024035 10620621

01 FC:1203 290.00 DA
 02 FC:1202 18.00 DA

Adjustment date: 11/16/2004 SDIRETA1
 08/17/2004 BHABTEW 00000003 024035 10620621.
 01 FC:1203 290.00 CR
 02 FC:1202 18.00 CR

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2004 OCT -7 PM 1:06

Atty. Docket: MOZES2A

In re Application of:) Conf. No.: 9655
Edna MOZES)
Appln. No.: 10/620,621) Art Unit:
Filed: July 17, 2003) Examiner:
For: (SYNTHETIC PEPTIDES AND) Washington, D.C.
PHARMACEUTICAL COMPOSITIONS) October 5, 2004

REQUEST FOR REFUND

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
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Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

This application is a continuation of application no. 08/913,994, now USP 6,613,536. Said parent application was originally filed as a §371 national stage of PCT/US96/04206, which was published as WO 96/30057. As a continuation of patent application 08/913,994, the present application was filed with the same specification as the parent case, which, of necessity, was the same as that published as WO 96/30057. However, a new set of claims was filed with the present continuation.

In response to a Notice to File Corrected Application Papers, i.e., a substitute specification in compliance with 37 C.F.R. §1.52(a), on July 16, 2004, applicant filed a clean

copy of WO 96/30057, the publication of the application on which the parent application was based. Unfortunately, the claims of WO 96/30057 were inadvertently filed along with the description portion thereof. As indicated above, these were not the claims of the instant application. The claims of the instant application are the 15 claims (2 independent) that were filed with the application on July 17, 2003. No amendment to the claims was made or intended by the Communication filed on July 16, 2004.

Due to the mistake of filing the published claims with the published specification when submitting the requested substitute specification, without any specific fee charge authorization, the deposit account of the undersigned has been charged \$290.00 for fee code 1203 (multiple dependent claim) and 18.00 for fee code 1202 (claims in excess of 20). See the attached deposit account statement. This was presumably in accordance with the general fee charge authorization under 37 C.F.R. §1.16 for presentation of extra claims contained in both the new patent transmittal of July 17, 2003, and the transmittal submitted with the substitute specification on July 16, 2004.

Applicant submitted a Communication on October 1, 2004, to correct the erroneous filing of July 16, 2004. This Communication points out that the claims as filed on July 17,

2003, are the claims intended to be examined. A fresh substitute specification was attached to the Communication of October 1, 2004, and applicant requested that the entire submission of July 16, 2004, be disregarded.

37 C.F.R. §1.26(a) provides that the Director may refund any fee paid by mistake. Here, the presence of claims with the substitute specification was a mistake and the payment of any fees necessitated thereby was never intended. To the extent that a fee was nonetheless charged to the deposit account of the undersigned, such payment was a mistake and should be refunded pursuant to this regulation. This is not a case of change of purpose after the payment of a fee. There was never an intent to change the claims from the form that they were filed, nor was there ever an intent that any additional claims fee be paid. The new specification was clearly submitted only to eliminate markings that interfered with publication. Subsequently, the examiner was instructed to disregard the entire submission of July 16, 2004, because of the errors therein.

As there was no amendment to the claims filed on July 16, 2004, and none was intended, and as, in any event, the papers of July 16, 2004, have been subsequently withdrawn, the claims of July 17, 2003, are the claims of the application. Therefore, the charge of \$308.00 to

In re of Appln. No. 10/620,621

undersigned's deposit account was paid by mistake and should be refunded pursuant to 37 C.F.R. §1.26(a).

The undersigned hereby requests that a refund of in
the amount of \$308.00 be credited to deposit account no. 02-
4035 rather than being refunded by check.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By Roger L. Browdy
Roger L. Browdy
Registration No. 25,618

RLB:rd
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
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Deposit Account Statement

Requested Statement Month:

August 2004

Deposit Account Number:

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Name:

BROWDY AND NEIMARK

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DATE	SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEES CODE	AMT	BAL
08/02	252	60491995	FUERY1	8007 BLAJ	\$20.00	\$10,21
08/02	480	60499005	STEINBERG5	8007 VISS	\$20.00	\$10,19
08/02	483	60056000		8007	\$20.00	\$10,17
08/02	484	60081265		8007	\$20.00	\$10,15
08/04	2	09887520	LOY=5	1251 COLB	\$110.00	\$10,04
08/04	28	10189576	ONUKI 1A, Aoyama	1801	\$770.00	\$9,270
08/04	29	10189578	ONUKI 1A, Tama	1202	\$90.00	\$9,180
08/04	325	60491527	LAURSEN1	8007 HOIB	\$20.00	\$9,160
08/05	5	10490099	NORDENHEM1	2616(BRAN)	\$145.00	\$9,015
08/05	6	10473721	SHECHTERS	2253 BENA	\$475.00	\$8,540
08/05	86	09765644	EIS-SCHWARTZ	2252 BENA	\$5.00	\$8,535
08/05	298	60334962	WILCHEK7.3	8007 VEDP	\$20.00	\$8,515
08/05	303	60483899	FRESKGARD5	8007 HOIB	\$20.00	\$8,495
08/06	40	60499388	KHALIL1	1807 COHN	\$50.00	\$8,445
08/12	3	09920295	KREINDEL=2	1201 COHN	\$84.00	\$8,361
08/13	3	10110317	BREUR=1	2252 COHN	\$210.00	\$8,151
08/16	25	10677777	Tovey 5A	2001 ORAK	\$375.00	\$7,776
08/16	200	60491996	AGRANAT1	8007 VISS	\$20.00	\$7,756
08/17	10	10677721	MONTGOMERY	1203 BEVA	\$290.00	\$7,466
				1202	-\$16.00	\$7,448
08/18	1	10490100	MATHYS1	1616	\$290.00	\$7,158
08/18	2	09914771	JENSEN=7	2202 INTL	\$9.00	\$7,149
08/18	86	10482032	ROMERO-BELTRAN1	2615 BECE	-\$90.00	\$7,239
08/19	8	E-REPLENISHMENT		9203	-\$10,000.00	\$17,23
08/19	40	10788502	BARAKS	8011 COHN	\$55.00	\$17,18
08/19	238	60499389	NASLUND1	8007 BRAN	\$20.00	\$17,16
08/20	3	09832618	10417-077001	2251	-\$55.00	\$17,21
08/20	167	76564714	LAMDEX1	8507 MARK	\$30.00	\$17,18

1202 -Claims 7/24 20
1203 -Multi -dep -Ola 100

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